

**REAL ESTATE BOARD
MADISON, WI
MINUTES
OCTOBER 24, 2002**

PRESENT: Rebecca Dysland (attended by phone), Richard Hinsman, Richard Kollmansberger, Hal Lee, Peter Sveum, Maria Watts

EXCUSED: Nancy Gerrard

STAFF PRESENT: Clete Hansen and Pamela Meicher; William Dusso and DOE staff for a portion of the meeting: Colleen Baird, Gene Kleinert, Pamela Majewski, Greg Raube, Jack Temby and Joel Garb

GUESTS: Rick Staff, WRA

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:32 a.m. A quorum of 6 members was present. The Board discussed future meetings and decided that they would like meetings to start at 10:00 a.m. instead of 10:30 a.m.

AGENDA

MOTION: Peter Sveum moved, seconded by Maria Watts, to approve the agenda as published. Motion carried unanimously.

MINUTES (9/26/02)

MOTION: Richard Hinsman moved, seconded by Harold Lee, to approve the minutes of 9/26/02 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Clete Hansen, Division Administrator

- **Board Roster**

The Roster was approved as published.

- **Meeting Dates for 2002 and 2003**

There were no changes to the scheduled 2002 or 2003 meetings.

To-Do List

The To-Do list was noted.

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases – September 6, 2002**

Noted

- **To-Pass Folder**

None

ADMINISTRATIVE RULES

Legal Counsel, William Black, is currently working on the rule draft. William Black, will present another draft for further review at a future meeting.

VOLUNTEERS TO REVIEW BIDS OF EXAM PROVIDERS – JOEL GARB

Joel Garb has asked the Board for suggested volunteers to work with him on reviewing bids from up to ten examination providers. The provider would provide examinations for brokers, sales persons and continuing education. The contract would run for three years. Garb stated that the bids are due on November 22, 2002. Garb advised the Board that it takes up to one week to contact provider references. After further discussion, the Board suggested to have Hugh Burdick, Shanna Alt, Barbara McGill and Sandy White be reviewers.

LEGISLATION

Clete Hansen advised the Board that there is no information about new legislation at this time.

CONTRACTUAL FORMS ADVISORY COUNCIL

Clete Hansen led the discussion on the Contractual Forms Advisory Council. Jim Imhoff, who resigned from the Board, was the previous chair of the council. A Board member or Clete Hansen should be appointed to chair the council. This issue will be an agenda item at the next Board meeting.

A task force of the Wisconsin Realtors Association is addressing forms issues, such as print size and the number of pages on a form. The Real Estate Board always welcomes input from associations and others.

PROCEDURES FOR SENDING CASE MATERIALS TO CASE ADVISORS

Jack Temby answered questions from the Board on case materials. Harold Lee stated that too much information is sent to screeners about complaints. Jack Temby explained that the complaint and all related documents are sent to all members of the screening panel. The documents are sent prior to the screening panel meetings. They are sent with the expectation that the panel members need all of the available information to make a well-reasoned decision on whether to open the complaint for investigation or close it after screening. Routinely mailing of the documents at the start of the process is much more efficient and provides the screening panel

with key documents or information to be kept abreast of the investigation. Temby agreed to discuss these matters further with the case screeners.

The Board also inquired how a case is assigned. Jack Temby informed the Board that when a complaint is opened, an investigator, a case advisor and an attorney are assigned to the case. Jack Temby provided an example of the letter sent to the case adviser when assigned a case. Hall Lee suggested that some materials should be sent later in the process, so Board members do not have to file them until more information is provided.

REPORT OF SCREENING COMMITTEE

Richard Hinsman reported the Screening Committee reviewed 39 cases. Sixteen cases were opened, 16 cases were closed, and more information was requested on ten cases.

MISCELLANEOUS CORRESPONDENCE

William Dusso led the discussion on late fees for someone not practicing versus someone who did practice without a license. Colleen Baird explained how currently DOE works with the case adviser to determine what costs and or forfeitures should be assessed on a case by case basis.

MOTION: Richard Kollmansberger moved, seconded by Richard Hinsman, to look at a plan for expediting the forfeiture process and not utilizing the regular screening panel process. Motion carried unanimously.

PUBLIC COMMENTS

Rick Staff discussed the new telemarketing rules. The new legislation on telemarketing will apply to real estate and licensees should be advised. The issue discussed was a real estate agent/broker who calls the buyer to encourage the buyer to purchase any goods or services. This type of call would fall under the new legislation. Rick suggested that an article be written and published in the Regulatory Digest.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Colleen Baird presented stipulations on 02 REB 007, 98 REB 307, 01 REB 233, and 02 REB 125. Pamela Majewski presented a stipulation on 00 REB 145.

CLOSED SESSION

MOTION: Peter Sveum moved, seconded by Maria Watts, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Rebecca Dysland-yes, Richard Hinsman-yes, Richard Kollmansberger-yes, Harold (Hal) Lee-yes, Peter Sveum-yes, and Maria Watts-yes.

Open Session Recessed at 12:18 p.m.

RECONVENE TO OPEN SESSION

MOTION: Richard Hinsman moved, seconded by Hal Lee, to reconvene into open session at 12:56 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Peter Sveum moved, seconded by Maria Watts, to close the following cases:

01 REB 108 closed for insufficient evidence

02 REB 047 closed for insufficient evidence

02 REB 075 closed for insufficient evidence

02 REB 125 closed for insufficient evidence

Motion carried unanimously.

STIPULATIONS

MOTION: Richard Hinsman moved, seconded by Harold Lee, to adopt the Stipulation, Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Wanda Boldon and Sand County Services, Inc., 02 REB 007. Motion carried unanimously.

MOTION: Harold Lee moved, seconded by Richard Hinsman, to adopt the Stipulation, Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Michael T. Harrill, 98 REB 307. Motion carried unanimously.

MOTION: Richard Hinsman moved, seconded by Peter Sveum, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of John M. Law & Remas Geneva Realty Inc., 01 REB 233. Motion carried unanimously.

MOTION: Peter Sveum moved, seconded by Hal Lee, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Andrew A. Reid, 00 REB 145. Motion carried unanimously.

MOTION: Maria Watts moved, seconded by Peter Sveum, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter of Christina M. Widiker, 02 REB 007. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

RICHARD G. MONTGOMERY AND MONTGOMERY NORTHEAST LLC.

MOTION: Richard Hinsman moved, seconded by Harold Lee, to approve the proposed administrative warning to be issued to Richard G. Montgomery

and Montgomery Northeast, LLC., 01 REB 247. Motion carried unanimously.

RANDALL L. RAUTMANN

MOTION: Peter Sveum moved, seconded by Richard Hinsman, to approve the proposed administrative warning, to be issued to Randall L. Rautman as amended, and Clete Hansen may sign. Motion carried unanimously.

ADJOURNMENT

MOTION: Richard Hinsman moved, seconded by Peter Sveum, to adjourn the meeting at 1:02 p.m. Motion carried unanimously.